

# EXHIBIT A

**Johnathan Burks  
06/03/2021**

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4

5 JOHNATHAN L. BURKS,

6 Plaintiff, No. 2:19-cv-10027

7 vs. HON. GERSHWIN A. DRAIN

8 BENNY NAPOLEON, ET AL., MAGISTRATE ANTHONY P. PATTI

9 Defendants,

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12

13 The Deposition of JOHNATHAN BURKS,

14 Taken at 737 Woodlawn Ave,

15 Jackson, Michigan,

16 Commencing at 10:00 a.m.,

17 Thursday, June 3, 2021,

18 Before Melinda R. Womack, CSR3611.

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1 APPEARANCES:  
 2  
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 9 Appearing on behalf of the Plaintiff.  
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 Appearing on behalf of the Defendants.

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1 Jackson, Michigan  
 2 Thursday, June 3, 2021  
 3 About 10:00 a.m.  
 4 JOHNATHAN BURKS,  
 5 having first been duly sworn, was examined and testified  
 6 on his oath as follows:  
 7 EXAMINATION BY MR. O'NEILL:  
 8 Q. Mr. Burks, my name is Paul O'Neill. Today's the  
 9 date and time set for your deposition in the case  
 10 that you brought against Wayne County Sheriff  
 11 Benny Napoleon, Corporal Lee, Corporal Seals,  
 12 Officer Williams, and other Defendants in this  
 13 case. Do you remember filing this case back in  
 14 January of 2019, correct?  
 15 A. Yes.  
 16 Q. All right. Why don't you tell me first of all why  
 17 you're suing Wayne County and the individual  
 18 officers involved.  
 19 A. Because I was housed in protective custody unit  
 20 and I was sexually assaulted by another inmate.  
 21 Q. Okay. What do you believe the Defendants did  
 22 wrong in this case?  
 23 A. Well, first off, I would say when I asked to speak  
 24 with a supervisor, I was ignored multiple times.  
 25 I feel like they didn't protect me.

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1 Q. Okay. Anything else?  
 2 A. No.  
 3 Q. Okay. Why were you in protective custody in the  
 4 Wayne County Jail in August of 2016?  
 5 MS. PRESCOTT: Give me a little bit of  
 6 time so I can object. I just wanted to object on  
 7 the foundation.  
 8 MR. O'NEILL: Okay.  
 9 MS. PRESCOTT: Now you can answer.  
 10 Q. (By Mr. O'Neill, continuing) Why were you in  
 11 protective custody?  
 12 A. Because my case, my profile, and they didn't want  
 13 me to be hurt. The County didn't want me to be  
 14 hurt.  
 15 Q. Why were you or who told you that the County  
 16 didn't want you to be hurt?  
 17 A. I guess it was just the way that they came and  
 18 removed me from general population to segregation.  
 19 Q. When did that occur?  
 20 A. I don't remember the exact date.  
 21 Q. Okay. Did anybody speak to you at that time when  
 22 they moved you from general population to  
 23 segregation?  
 24 MS. PRESCOTT: That's a pretty vague  
 25 question. Just give me a minute. It's vague.

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- 1 There's no timeline of did anyone talk to you  
2 when, but go ahead.
- 3 Q. (By Mr. O'Neill, continuing) Can you answer that?
- 4 A. **No. No one talked to me.**
- 5 Q. Okay. So how did you come to an understanding  
6 that Wayne County wanted to protect you and move  
7 you into protective custody?
- 8 A. **Because my case was high profile and it was all**  
**over the news.**
- 10 Q. Is that just your understanding? I'm just trying  
11 to -- I'm not trying to trick you Mr. Burks. I'm  
12 trying to figure out is that just your  
13 understanding that when a case is high profile,  
14 you could be moved into protective custody, or is  
15 there anything any other reason for your  
16 understanding?
- 17 A. **I just -- that's my understanding that because of**  
**my case was on the news, they put me there.**
- 19 Q. Okay. So what was your case about?
- 20 A. **It was about a three-year-old being murdered.**
- 21 Q. All right. What were you charged with?
- 22 A. **I was charged with first degree premeditated**  
**murder, first degree felony murder, two assault**  
**with intent to murders, discharging a firearm into**  
**a building causing death, and home invasion one,**

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- 1 Q. Is he any relation to you?
- 2 A. **He's my cousin.**
- 3 Q. All right. And there is another Defendant,  
4 Reginald Street?
- 5 A. **Yes, sir.**
- 6 Q. Is he a relation to you?
- 7 A. **No, sir, he's not.**
- 8 Q. All right. Does he serve in the same jail or  
9 prison as you right now?
- 10 A. **No, sir.**
- 11 Q. Have you had any conversation with Mr. Street  
12 between, between now and about when the jury found  
13 you guilty?
- 14 A. **No, sir, I haven't.**
- 15 Q. Okay. So you believe that sometimes juries can  
16 get things wrong in criminal cases, correct?
- 17 A. **Yes, sir, I do.**
- 18 Q. In the incident that you complain of against Wayne  
19 County and the individual officers, they -- you  
20 alleged -- you make various allegations, correct?
- 21 A. **I did.**
- 22 Q. Okay. And you hand typed the original Complaint  
23 that was filed in this case, correct?
- 24 A. **Yes, sir.**
- 25 MS. PRESCOTT: Johnathan, you got to
- 1 slow down.
- 2 **THE WITNESS: Yes, ma'am.**
- 3 MS. PRESCOTT: You got to listen so  
4 that I can interrupt. So I think the question was  
5 vague. I think you said hand typed, Paul. I'm  
6 not sure if that's what you meant. But maybe I  
7 heard it wrong.
- 8 Q. (By Mr. O'Neill, continuing) Yeah, I said hand  
9 typed. Is that correct, Mr. Burks?
- 10 A. **Yes.**
- 11 MS. PRESCOTT: Then I object to the, to  
12 the -- go ahead.
- 13 Q. (By Mr. O'Neill, continuing) All right. So you  
14 sat at a typewriter and typed out the Complaint.
- 15 A. **I couldn't hear you.**
- 16 Q. You sat at a typewriter and typed out the  
17 Complaint that you filed against the Defendants in  
18 this case.
- 19 MS. PRESCOTT: You're asking if he sat  
20 at the typewriter to type this lawsuit or the  
21 original allegations? That's the vague.
- 22 Q. (By Mr. O'Neill, continuing) Do you understand  
23 the question, Mr. Burks?
- 24 A. **You're going in and out, so I didn't hear you.**
- 25 Q. I'll be happy to repeat. Technology causes a